

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CENTRO PRESENTE, a membership organization,
et al.,

Plaintiffs,

V.

JOSEPH R. BIDEN, JR.,¹ President of the United States, in his official capacity, *et al.*,

Defendants.

No. 1:18-cv-10340 (DJC)

JOINT STATUS REPORT

As directed by the Court (ECF No. 142) following submission of the parties' last Joint Status Report on December 7, 2021 (ECF No. 141), Plaintiffs and Defendants respectfully submit this further status update regarding this action.

I. Continuation of TPS Protection and Documentation for Beneficiaries of TPS Designations for Haiti, Honduras, and El Salvador.

As with prior reports, the parties begin with an update on the status for beneficiaries of Temporary Protected Status (“TPS”) designations for Haiti, Honduras, and El Salvador.

A. Current Deadlines

Haiti: Haitian TPS-holders will retain their status, subject to programmatic requirements, for at least 120 days after the issuance of the later of the mandates in both *Saget v. Trump*, No. 1:18-cv-1599-WFK-ST (E.D.N.Y.), *appeal filed*, No. 19-1685 (2d Cir.), and the

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Defendants have substituted Joseph R. Biden, Jr. for Donald J. Trump as President of the United States, Alejandro N. Mayorkas for Chad Wolf as Secretary of Homeland Security, and David Pekoske for Ken Cuccinelli as Deputy Secretary of Homeland Security.

Ramos action (discussed further below), to the respective district courts reversing both of the preliminary injunctions, if that occurs. *See Continuation of Documentation for Beneficiaries of Temporary Protected Status Designations for El Salvador, Haiti, Nicaragua, Sudan, Honduras, and Nepal*, 85 Fed. Reg. 79,208, 79,211-12 (Dec. 9, 2020).

El Salvador: Salvadoran TPS-holders will retain their status, subject to programmatic requirements, for at least 365 days after the issuance of any mandate to the district court in the *Ramos* litigation reversing the preliminary injunction, if applicable. *Id.*

Honduras: Honduran TPS-holders will retain their status, subject to programmatic requirements, for at least 120 days after the issuance of any mandate in the *Ramos* litigation to the district court reversing the preliminary injunction, if applicable. *See Bhattarai v. Nielsen*, Case No. 3:19-cv-731-EMC (N.D. Cal.), ECF No. 23, at ¶ 6.

B. The *Ramos* Litigation

The parties previously advised the Court that, on September 14, 2020, a divided panel of the U.S. Court of Appeals for the Ninth Circuit issued a decision in *Ramos v. Nielsen*, No. 18-16981 (9th Cir.), reversing the preliminary injunction issued by the Northern District of California that enjoined, *inter alia*, TPS terminations for Haiti and El Salvador. Pursuant to Rule 41(b) of the Federal Rules of Appellate Procedure, the mandate is scheduled to issue “7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing *en banc*, or motion for stay of mandate, whichever is later.” Plaintiffs have filed a petition for rehearing and, alternatively, a petition for rehearing *en banc*, which remains pending (“Petition”).

In light of the Petition, the earliest the *Ramos* mandate could issue (i.e., if the Ninth Circuit were to deny the Petition on the day the parties are filing this report) would be February

15, 2021, which means the earliest possible TPS termination date (for Honduras) would be June 15, 2021. If the Ninth Circuit grants the Petition or if it takes more time to decide the Petition, then the earliest possible termination date will be later.

II. Parties' Position Regarding the Schedule.

Defendants have proposed that the Court stay this litigation for two months, while the new administration has the opportunity to consider its position. Plaintiffs consent to this request, provided they can reserve the right to approach the Court and seek to lift the stay, before its expiration, in the event that the *Ramos* or *Saget* cases are resolved or as the result of other developments.

Consistent with this proposal, the parties respectfully request that they be ordered to file a further status report in two months, on April 8, 2021.

Respectfully submitted,

Plaintiffs

By their attorneys,

/s/ Justin J. Wolosz

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Dated: February 8, 2021

Defendants

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: February 8, 2021

/s/ Justin J. Wolosz